

Remarks

Claims 1-20 are pending. Favorable reconsideration is respectfully requested.

The finality of the rejection set forth in the Office Action of November 14 is in error and must be withdrawn. No claim amendments had been made to the claims originally submitted, and the Information Disclosure Statement filed July 30, 2003 was filed under 37 C.F.R. § 1.97(c) with the certification of 37 C.F.R. § 1.97(e). Thus, MPEP 609(B)(2)(a)(i) “Final Rejection is Not Appropriate,” which reads as follows, applies:

If information submitted during the period set forth in 37 CFR 1.97(c) with a statement under 37 CFR 1.97(e) is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the Office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office.

Since the Information Disclosure Statement fully meets these requirements, withdrawal of the finality of the rejection is respectfully requested.

Claim 12 has been objected to as dependent on a withdrawn base claim. Claim 12 has been rewritten to render it an independent claim. Withdrawal of the objection is solicited. The Office is reminded of the Office Action of June 4, 2003, which stated, in ¶ 1,

If at the time of allowance the catalyst claims are consistent with the allowed process claim, the Examiner will consider rejoining the catalyst claims.

Applicants submit that claims 1-11 are commensurate in scope with claims 12-20 and thus should be rejoined.

Claims 12-20 have been rejected over *Hauptman* WO 01/923342. Applicants respectfully traverse this rejection. *Hauptman* discloses catalysts where the imino nitrogens are both substituted by aryl rings. Both the carbons attached to the imino nitrogens are thus branched. The claims require that not more than one of the imino nitrogen substituents be branched. Thus, there is no anticipation of the claims under 35 U.S.C. § 102(a). Withdrawal of the rejection over *Hauptman* is therefore respectfully solicited.

Applicants submit that the claims are now in condition for Allowance, and respectfully request a Notice to that effect. If the Examiner believes that further discussion will advance the prosecution of the Application, he is highly encouraged to telephone Applicants' attorney at the number given below.

Respectfully submitted,

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